

AUG-13-02 13:29 From:

2026248860

T-312 P.01 Job-799



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3762
1299 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20004-2402
PHONE 202.783.0800
FAX 202.383.6610
A LIMITED LIABILITY PARTNERSHIP

August 13, 2002

DIRECT DIAL 202.383.7204

VIA FACSIMILE (12 PAGES): 703.746.4060

Customer Service Center
Initial Patent Examination Division
United States Patent and Trademark Office
Washington, DC 20231

RECEIVED
AUG 13 2002
TC 3700 MAIL ROOM

Re: NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Application No.: 10/063,159

**Entitled: "METHOD AND ASSEMBLY FOR FLUID TRANSFER AND
DRUG CONTAINMENT IN AN INFUSION SYSTEM"**

Filed: 03/26/2002

Our Ref. No.: 06730.0018.NPUS00 (formerly 47865.272256)

Dear Sir or Madam:

With respect to the issuance of the *Notice of Incomplete Reply* (which indicates that the oath or declaration is missing) for the above-captioned patent application, we respond with the following:

A thorough review of our records indicates that a Declaration/Power of Attorney was filed under cover of our reply to the *Notice to File Missing Parts* transmittal dated May 13, 2002. We are attaching a complete copy of that filing, including the PTO date stamped postcard confirming receipt. We are also attaching the *Notice of Incomplete Reply*.

It is therefore respectfully asserted that the *Notice of Incomplete Reply* be rescinded and this application be processed towards examination. Should you have any questions, please feel free to contact the undersigned at 202.383.7204 or the attorney of record, Tracy W. Druce at 202.383.7298. Thank you.

Respectfully submitted,
HOWREY SIMON ARNOLD & WHITE, LLP

A handwritten signature in black ink, appearing to read "D. Hernandez".

Daniel Hernandez, Paralegal

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1450 1000



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/063,159	03/26/2002	Roger Akerlund	47865.272256

CONFIRMATION NO. 2733

28694
KILPATRICK STOCKTON LLP
607 14th STREET, NW
SUITE 900
WASHINGTON, DC 20005

FORMALITIES LETTER



OC000000008198578

Date Mailed: 05/29/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 05/13/2002 to the Notice to File Missing Parts (Notice) mailed 04/05/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

*A copy of this notice **MUST** be returned with the reply.*

ASOK

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Applicant: AKERLUND Docket/Ref. No. GPD0028147865.272256
 Title/Mark: M/A For Fluid Transfer And Drug Containment
 Serial/Reg./Patent No. 10/63,159 Date Sent: 5/13/2002

Hand Carried Fax 1st-Class Mail Cert. of Mailing
 Express Mail No. _____
 New Patent App. Utility Design Cont. CIP Div. PCT CPA RCE Prov.
 _____ pages of Specification Formal/Informal/Substitute Drawing Sheet
 _____ pages of Claims (no. of) Substitute/Specimens
 _____ pages of Abstract Cover Letter/Transmittal
 _____ pages of Formal/Informal Drawings Combined Declaration/Power of Attorney
 Response/Amendment Petition to Commissioner for _____
 _____ pages Request for ____-month Extension of Time
 Information Disclosure Statement Request for Non-Publication
 _____ Form PTO 1449 Transmittal of Issue Fee Form PTOL 85b _____
 _____ Copies of cited references Maintenance Fee for ____ years after grant
 Preliminary Amendment Notice of Appeal
 Response to Missing Parts Notice Appeal Brief
 Certified Copy of Priority Doc. Other: Fee Transmittal;
 Claim of Convention Priority Check.
 Verified Statement of Small Entity Status
 Assignment Papers

Check for \$ <u>760</u>	<input checked="" type="checkbox"/> Charge Deposit Acct.	Atty. Init.	Tkpr. #	Secy./PL Init.	<i>[Signature]</i>
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THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT
 THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED

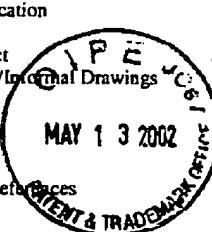
Applicant: AKERLUND Docket/Ref. No. GPD0028147865.272256
 Title/Mark: M/A For Fluid Transfer And Drug Containment
 Serial/Reg./Patent No. 10/63,159 Date Sent: 5/13/2002

Hand Carried Fax 1st-Class Mail Cert. of Mailing
 Express Mail No. _____
 New Patent App. Utility Design Cont. CIP Div. PCT CPA RCE Prov.
 _____ pages of Specification Formal/Informal/Substitute Drawing Sheet
 _____ pages of Claims (no. of) Substitute/Specimens
 _____ pages of Abstract Cover Letter/Transmittal
 _____ pages of Formal/Informal Drawings Combined Declaration/Power of Attorney
 Response/Amendment Petition to Commissioner for _____
 _____ pages Request for ____-month Extension of Time
 Information Disclosure Statement Request for Non-Publication
 _____ Form PTO 1449 Transmittal of Issue Fee Form PTOL 85b _____
 _____ Copies of cited references Maintenance Fee for ____ years after grant
 Preliminary Amendment Notice of Appeal
 Response to Missing Parts Notice Appeal Brief
 Certified Copy of Priority Doc. Other: Fee Transmittal,
 Claim of Convention Priority Check.
 Verified Statement of Small Entity Status
 Assignment Papers

Check for \$ <u>760</u>	<input checked="" type="checkbox"/> Charge Deposit Acct.	Atty. Init.	Tkpr. #	Secy./PL Init.	<i>[Signature]</i>
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AUG 15 2002
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AUG-13-02 13:30 From:

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T-312 P.05/12 Job-799



PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/063,159
		Filing Date	03/26/2002
		First Named Inventor	AKERLUND
		Group Art Unit	3762
		Examiner Name	Unassigned
Total Number of Pages in This Submission		Attorney Docket Number	47865.272256

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard.
		APPLICANT CLAIMS SMALL ENTITY STATUS. Please change the Attorney Docket No. to 47865.272256 on all future correspondence.
Remarks		

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AUG 13 2002

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	KILPATRICK STOCKTON LLP David P. LeCroy
Date	05/13/2002

CERTIFICATE OF HAND-DELIVERY

I hereby certify that this correspondence is being hand delivered to the United States Patent and Trademark Office, Arlington, VA.
22202 on this date:

05/13/2002

Typed or printed name	Daniel Hernandez		
Signature		Date	05/13/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 738)

Complete if Known	
Application Number	0/083,159
Filing Date	03/26/2002
First Named Inventor	AKERLUND
Examiner Name	Unassigned
Group / Art Unit	3762
Attorney Docket No.	47865.272256

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																													
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ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>109</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>65</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>56</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>840</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>840</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td>40</td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="4">Other fee (specify) _____</td> <td colspan="2">SUBTOTAL (3) (\$ 105)</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) (\$ 105)</td> </tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	109	130	205	65	Surcharge - late filing fee or oath	65	127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	56	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	840	Petition to revive - unintentional		142	1,280	242	840	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17 (q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)	40	146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____				SUBTOTAL (3) (\$ 105)		*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 105)	
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1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td>Utility filing fee</td><td>370</td></tr> <tr><td>106</td><td>330</td><td>208</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>510</td><td>207</td><td>255</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>160</td><td>214</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	101	740	201	370	Utility filing fee	370	106	330	208	165	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee		SUBTOTAL (1) (\$ 370)																																																																																																																																																										
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2. EXTRA CLAIM FEES <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>49</td><td>-20 **</td><td>= 29</td><td>X 9 = 261</td></tr> <tr><td>Independent Claims</td><td>**</td><td>= 0</td><td>X _____ = 0</td></tr> <tr><td>Multiple Dependent</td><td></td><td>X _____</td><td>= 0</td></tr> </tbody> </table>				Total Claims	Extra Claims	Fee from below	Fee Paid	49	-20 **	= 29	X 9 = 261	Independent Claims	**	= 0	X _____ = 0	Multiple Dependent		X _____	= 0	SUBTOTAL (2) (\$ 261)																																																																																																																																																																													
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**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY					
Name (Print/Type)	David P. LeCroy	Registration No. Attorney/Agent)	37,869	Telephone	202-508-5800
Signature	<i>David P. LeCroy</i>			Date	05/13/2002

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T-312 P.07/12 Job-799



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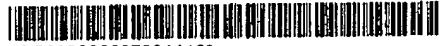
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/063,159	03/26/2002	Roger Akerlund	GBD0028-US

CONFIRMATION NO. 2733

28694
TRACY W. DRUCE
KILPATRICK STOCKTON LLP
11130 SUNRISE VALLEY DRIVE
SUITE 300
RESTON, VA 20191-4329

FORMALITIES LETTER



OC000000007801113

Date Mailed: 04/05/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$522.
 - \$522 for 29 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1392.

A copy of this notice MUST be returned with the reply.

[Signature]

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Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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KILPATRICK STOCKTON LLP

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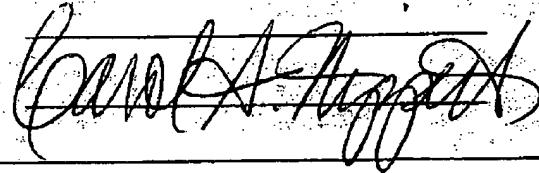
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